

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JDS TWO, LLC,)
)
Plaintiff,)
) Case No. 3:12-cv-0349
v.)
) Judge Campbell
RON SAPP and THOMAS KEATING,)
) Magistrate Judge Griffin
Defendants.)
)
)

INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION:

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332(a) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between parties that are citizens of different states. Venue is proper under 28 U.S.C. §1331(b), in that the nexus for the transaction that underlies this cause of action is a proposed real estate development in Nashville, Tennessee and a substantial part of the events or omissions giving rise to the claim occurred in Nashville.

B. BRIEF THEORIES OF THE PARTIES:

1. **Plaintiff.**

Plaintiff alleges that Defendants are guarantors for a \$400,000 loan to Alpha, LLC, a Tennessee limited liability company. The guaranty agreements were executed in November, 2009. Alpha, LLC defaulted in its repayment obligation to Plaintiff. Alpha, LLC later filed for bankruptcy relief which prevented Plaintiff from pursuing collection remedies against Alpha,

LLC. Defendants are liable to Plaintiff for payment of amounts owing under the guaranty agreements in the amount of \$400,000.

Plaintiff asserts it is entitled to a judgment against the Defendants Thomas Keating and Ron Sapp, jointly and severally, in the amount of \$400,000 principal, plus costs and attorneys' fees.

2. Defendants. Defendant Sapp has failed to assert any theory of defense or in any way respond to any of the demands or pleadings filed in this matter. Defendant Keating filed an Answer on July 10, 2012.

C. **ISSUES RESOLVED:**

None.

D. **ISSUES STILL IN DISPUTE:**

Defendants' liability.

E. **DISCOVERY:**

The parties shall complete all written discovery and depose all fact witnesses on or before ~~November 30, 2012~~. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 33.01(b) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Magistrate Judge Griffin.

F. **MOTIONS TO AMEND:** The parties shall file all Motions to Amend on or before December 17, 2012.

G. **JOINT MEDIATION REPORT:** The parties shall file a joint mediation report on or before February 28, 2013.

H. **DISPOSITIVE MOTIONS:** The parties shall file all dispositive motions on or before March 15, 2013. Responses to dispositive motions shall be filed within twenty-one (21) days after the filing of the motion. Optional replies may be filed within fourteen (14) days after the filing of the response. Briefs shall not exceed 25 pages.

I. **ELECTRONIC DISCOVERY.** The parties anticipate little, if any, electronic discovery. Therefore the parties believe that it is not necessary to be governed by Administrative Order No. 174. Upon receipt of a request for document production, the parties shall search their electronic records and produce any relevant responsive electronically stored information.

J. **ESTIMATED TRIAL TIME:** The parties expect the trial to last approximately one (1) day.

It is so **ORDERED**.



JULIET GRIFFIN
United States Magistrate Judge

APPROVED FOR ENTRY:

NEAL & HARWELL, PLC

By: /s/ David G. Thompson

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Nashville, TN 37219
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Counsel for Plaintiff JDS Two, LLC

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been served by United States Mail, postage prepaid, to the following this the 28th day of August, 2012:

Thomas Keating
313 Romany Road, #4
Lexington, Kentucky 40502

Ron Sapp
3074 Roxbury Court
West Linn, Oregon 97068

Thomas Keating
824 Euclid Avenue, Suite 102
Lexington, Kentucky 40502

/s/ David G. Thompson